

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-19 that were pending in the application, claims 1-4, 7, 10-14, and 17 were rejected in the Office Action. Applicants greatly appreciate the allowance of claims 5, 6, 8, 9, 15, 16, 18, and 19. By way of this amendment, Applicants have cancelled claims 1-4 and 10-14, without prejudice or disclaimer. Therefore, claims 5-9 and 15-19 remain pending for further consideration.

1. Provisional Double Patenting Rejection

The Examiner provisionally rejected all of claims 1-19 “under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending [U.S. Patent] Application No. 10/830,065.” Applicants respectfully acknowledge this provisional rejection (and the same provisional rejection made in copending U.S. Patent Application No. 10/830,065). However, until the claims of either the current application or copending U.S. Patent Application No. 10/830,065 are allowed, no action is required on Applicants’ part.

2. Rejections of Claims 1-4 and 10-14

Under 35 U.S.C. § 103(a), the Examiner rejected: (a) claims 1-3 and 10-13 as allegedly being obvious when considering U.S. Patent No. 5,862,507 (“Wu”) in view of U.S. Patent No. 5,507,180 (“Tomisawa”); (b) claims 4 and 14 as allegedly being obvious when considering Wu in view of Tomisawa and U.S. Patent No. 5,841,025 (“Remboski”); and (c) claims 7 and 17 as allegedly being obvious when considering Wu in view of Tomisawa and U.S. Patent No. 6,907,341 (“Aono”). Preliminarily, the aforementioned rejections are now moot with respect to claims 1-4 and 10-14, which have been canceled herein without prejudice or disclaimer. Accordingly, the rejection of claims 7 and 17 is the only remaining rejection at issue.

With respect to claims 7 and 17, Applicants have previously noted that Aono is not prior art under 35 U.S.C. § 102, as it issued from an application filed after the current invention was invented. To perfect this argument, Applicants are filing concurrently herewith a certified translation of the priority document, JP 2003-120324, as required by the Examiner on page 7 of the Office Action. As the priority application fully supports the subject matter recited in claims 7 and 17 (*see, e.g.*, claim 8 of the priority application), the

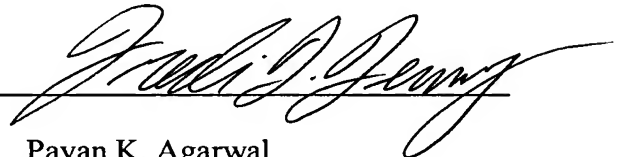
rejection of these claims based on Aono must be withdrawn. Accordingly, a withdrawal of the rejection of claims 7 and 17 is both warranted and respectfully requested.

CONCLUSION

For the aforementioned reasons, claims 5-9 and 15-19 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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By 

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.